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February 28, 2014

VIA ECF AND FAX

Hon. George B. Daniels
United States District Judge
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Sokolow, et al. v. Palestinian Liberation Organization, et al.*
Docket No. 04-CV-397 (GBD)(RLE)

Dear Judge Daniels:

We write in anticipation of the conference scheduled for March 4.

1. Pre-Trial Issues. In the event the Court wishes to set the remaining schedule, we will be prepared to discuss a schedule for outstanding pre-trial items.

2. Other Open Issues. For Your Honor's convenience, we list the other issues that are pending before the Court:

(a) **Confidentiality of the Joint Pretrial Order.** The parties have submitted correspondence to the Court concerning the public filing of the Joint Pretrial Order. Neither these letters nor the JPTO have been docketed, but we will be happy to supply copies to Chambers if requested.

(b) **Authenticity and Admissibility of Documents Produced by Defendants.** Plaintiffs' objections to Judge Ellis's ruling denying their application for records-keeper depositions to authenticate and provide foundation for defendants' employment, salary, benefits and promotion records for the perpetrators, and the other internal PA/PLO documents produced by defendants, remains pending. Defendants have now made extensive authenticity and foundational objections to their own records (DE 419), (even as they insist that such documents remain confidential through summary judgment and trial). Defendants' objections highlight

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the desirability of a procedure to address authenticity and foundation of defendants' documents prior to trial, so that the time of the Court and the jury is not unnecessarily consumed with such matters.

- (c) **Discovery Concerning Fawzi Murar.** Plaintiffs' objections to Judge Ellis's ruling denying discovery relating to deceased terrorist Fawzi Murar, who was identified after the formal close of fact discovery, remains pending. *See* DE 383 (summarizing issue).
- (d) **BBC Documentary.** The BBC's objections to Judge Ellis's order remains pending. While the BBC has provided a copy of its 2003 broadcast, "Arafat Investigated," and it has been designated on plaintiffs' exhibit list, the BBC did not supply plaintiffs with outtakes from the program, and defendants contest the authenticity of the broadcast itself. *See* DE 399 (summarizing issue).

3. Defendants' Renewed Request for A Stay. Defendants' latest renewed request for a stay is frivolous, for the reasons stated in my letter of February 7 (DE 426) (copy enclosed). However, plaintiffs do not wish to burden the court with further letters about this issue. Following the Court's prior instruction, we do not intend to respond to defendants' renewed request for a stay unless the Court requests that we do so. DE 430 at 12:21 - 24 ("So no bifurcating. No decide this motion first. Even if you divide the motions into separate motions they will all be due at the same time.").

Respectfully,



Kent A. Yalowitz

Enclosure

cc: All ECF Counsel